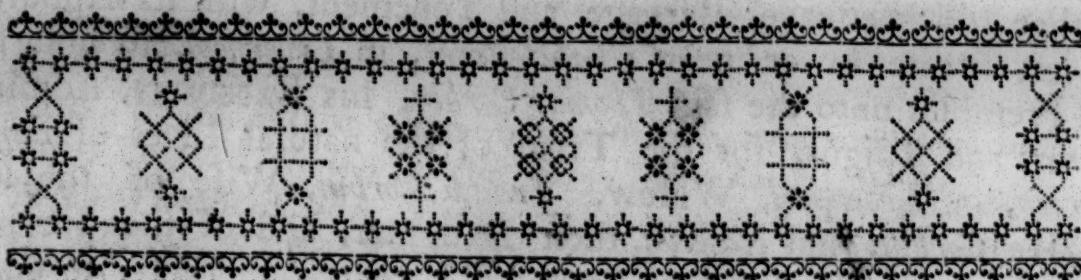


K great Brit. See III

53

[i]

214. i. 2
53

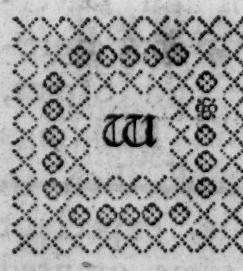


A N

A C T

F O R

Vesting certain undivided Shares, belonging to Mary Wright an Infant, of and in several Messuages, Tenements, and Lands, in the County of Lancaster, in Trustees, to be Sold, and for laying out the Money arising from the Sale thereof in the Purchase of other Lands, to be settled to the Use of the said Infant, and her Heirs, on the Part of her Mother, and for other Purposes therein mentioned.



W H E R E A S by Indenture of Lease, bearing Date the Fifth Day of June, which was in the Year of our Lord One Thousand Seven Hundred and One, and made or mentioned to be made between Thomas Cross, of Cross-hall, within Chorley, Esquire, of the One Part; and Thomas Corbin, of Liverpool, Mariner, of the other Part; he the said Thomas Cross, for the Consideration therein mentioned, did demise, grant, set, and to farm let, unto the

Indenture the
Fifth of June,
1701. Thomas
Cross, Grant
to Thomas
Corbin, of
Estate in
Chapel-street.

A

said

said *Thomas Corbin*, his Executors, Administrators, and Assigns, all that his Messuage, Burgage and Tenement, with its Appurtenances, situate in or near *Chapel-street*, in *Liverpool*, to hold the said Premisses unto the said *Thomas Corbin*, his Executors, Administrators and Assigns, for the Term of the natural Lives of *Sarah Mercer*, of *Liverpool*, Widow, *Judith Corbin*, Wife of the said *Thomas Corbin*, and *Rebecca* their Daughter, and of the Survivor of them, and also for the Term of Twenty-one Years, to commence after the Death of the Survivor of them, under the yearly Rent of Two Shillings and Six-pence, upon the Feast Days of *Saint Michael the Archangel*, and the Annunciation of the Blessed Virgin, by equal Portions.

Same Estate
vested in
Charles Wilson, who in
1738, mort-
gaged it to
George Smith,
subject to Re-
demption.

And whereas, by several subsequent Assignments and Conveyances in the Law, the said Premisses became vested in *Charles Wilson*, of *Liverpool* aforesaid, Currier, for all the then Residue of the said Leasehold Interest therein, and the said *Charles Wilson*, by Indenture bearing Date the Twenty-ninth Day of *January*, in the Year of our Lord One Thousand Seven Hundred and Thirty-eight, for the Considerations therein mentioned, did mortgage the before-mentioned Premisses, and all his Estate, Interest and Claim therein or thereto, unto *George Smith*, of *Liverpool* aforesaid, Brewer, his Executors, Administrators and Assigns, subject to a Proviso or Equity of Redemption as therein mentioned.

The Rever-
sion and In-
heritance
thereof con-
veyed to the
said *George
Smith*.

And whereas, by Indentures of Lease and Release respectively, bearing date the Eighth and Ninth Days of *October*, in the Year of our Lord One Thousand Seven Hundred and Thirty-nine, and made or mentioned to be made between *Richard Cross*, of *Cross-hall*, within *Chorley*, in the County of *Lancaster*, Esquire, Son and Heir of *Thomas Cross*, late of *Cross-hall* aforesaid, Esquire, deceased, of the First Part; *James Hartley* of *Liverpool* aforesaid, Gentleman, and *William Hawkshead*, of *Chorley* aforesaid, Yeoman, of the Second Part; and the said *George Smith* of the Third Part; the said *Richard Cross*, *James Hartley*, and *William Hawkshead*, did for the Considerations therein-mentioned, grant, bargain, sell, release and convey, to the said *George Smith*, his Heirs and Assigns, the Reversion and Inheritance of the said Premisses, which are therein described by the Name of all that Messuage, Tenement and Dwelling House situate and being in *Chapel-street*, in *Liverpool* aforesaid, containing Eight Yards to the Front of the said Street, and also all those several small Dwelling Houses and Buildings then lately erected and built on the back Part thereof, then in the Possession of *Charles Wilson*, or his under Tenants, expectant on the Determination of the several Estates and Terms granted by the herein in-part recited Lease, bearing Date the Fifth Day

of



of June, in the Year of our Lord One Thousand Seven Hundred and One.

And whereas, by Indenture of Assignment, bearing Date the Twenty-seventh Day of June, in the Year of our Lord One Thousand Seven Hundred and Forty-three, made between the said Charles Wilson of the One Part, and the said George Smith of the other Part, the said Charles Wilson, for the Considerations therein mentioned, released all his Equity of Redemption of and in the above-mentioned Premises, unto the said George Smith, his Executors, Administrators, and Affigns, during all the Term and Estate then subsisting under the said herein before in-part recited Lease.

And whereas, by Indentures of Lease and Re-lease, bearing Date the Twenty-first and Twenty-second Days of December, in the Year of our Lord One Thousand Seven Hundred and Forty-seven, made between Edward Markland, and James Fleetwood, of Liverpool aforesaid, Merchants, and Henry Leigh, of Chorley aforesaid, Gentleman, (to which said Edward Markland, James Fleetwood, and Henry Leigh, one William Huson late Owner of the Piece of Land herein after mentioned, had conveyed the same in Trust to be sold) of the First Part, the said George Smith of the Second Part, and Richard Eccleston, then of Liverpool aforesaid, Gentleman, of the Third Part, the said Edward Markland, James Fleetwood, and Henry Leigh, for the Considerations therein mentioned, did grant and convey the Reversion and Inheritance of a certain Piece or Parcel of Land, fronting a certain Street in Liverpool aforesaid, called John-Street, unto and to the only Use of the said George Smith, his Heirs and Affigns for ever.

And whereas, by Indentures bearing even Date with the said last in-part recited Indenture of Release made between Mary Marrow, then of Liverpool aforesaid, Widow, of the First Part, the said Edward Markland, James Fleetwood, and Henry Leigh, of the Second Part, the said George Smith of the Third Part, and Thomas Seel, then of Liverpool aforesaid, Merchant, of the Fourth Part, a certain Mortgage of the said Premises, made the Thirteenth Day of February, One Thousand Seven Hundred and Forty-three, by the above-named William Huson, of the said last mentioned Parcel of Land and Premises to the said Mary Marrow, for One Thousand Years, was assigned over by the said Mary Marrow to the said Thomas Seel, in Trust for the said George Smith, and his Heirs, and to attend the Inheritance of the said Premises.

And

Conveyance
of Estate in
Quay Street,
in 1718, to
James Smith-
son.

And whereas by Indentures of Lease and Re-lease, bearing Date the Twenty-first and Twenty-second Days of May, in the Year of our Lord One Thousand Seven Hundred and Eighteen, made or mentioned to be made between *John Plumbe*, then of *Liverpool* aforesaid, Gentleman, *John Earle*, and *Richard Gildart*, both then of *Liverpool* aforesaid, Merchants, of the First Part, Sir *Cleve More*, then of *Bankball* within *Kirkdale*, in the said County of *Lancaster*, Baronet, of the Second Part, and *James Smithson*, then of *Liverpool* aforesaid, Ship-Carpenter, of the Third Part, the said *John Plumbe*, *John Earle*, *Richard Gildart*, and Sir *Cleve More*, for the Considerations therein mentioned, did grant and convey a Messuage or Tenement situate in a Street, called *New Quay-Street*, in *Liverpool* aforesaid, to the said *James Smithson*, his Heirs and Assigns for ever.

John Smithson
by Will in
1731 gives
all his Estate
to *Mary* his
Wife.

And whereas the said *James Smithson*, by his last Will bearing Date the First Day of November, in the Year of our Lord One Thousand Seven Hundred and Thirty-one, did after bequeathing certain pecuniary Legacies therein mentioned, give, devise, and bequeath, all the rest, residue, and remainder of his Estate, of what Nature, Name, or Denomination soever, to his Wife *Mary Smithson*, her Heirs, Executors, Administrators, and Assigns for ever.

Who after-
wards inter-
married with
Richard Smith
and had Four
Children, and
afterwards
again inter-
married with
John Smith.
But previous
to the last
Marriage
conveyed her
Estate on the
new Key
upon Trust
to be disposed
of by her Will,
or for want
thereof, to
her right
Heirs.

And whereas, the said *Mary Smithson* being so seized under the said Will, did Intermarry with one *Richard Smith* her Second Husband, by whom she had Four Children; and after the Death of the said *Richard Smith* being still seized of the last-mentioned Premises, did again Intermarry with one *John Smith* her Third Husband.

And whereas previous to such last Intermarriage, by Indentures of Lease and Re-lease bearing Date the Seventh and Eighth Days of September, in the Year of our Lord One Thousand, Seven Hundred and Fifty, made or mentioned to be made between the said *John Smith* of the First Part, the said *Mary Smith* of the Second Part, and *Thomas Latham* the elder, and *Thomas Latham* the younger, of *Liverpool* aforesaid, Blacksmiths, of the Third Part, the said *Mary*, with the Privity of the said *John*, did grant and convey all those Two Messuages or Dwelling Houses, situate on the New Quay in *Liverpool* aforesaid, to the said *Thomas Latham* the elder, and *Thomas Latham* the younger, and their Heirs, upon Trust, to permit the said *John Smith* and *Mary* his Wife, to receive the Profits during their joint Lives, and after the Death of the said *Mary* upon Trust for such Uses and Purposes as she should, notwithstanding her Coverture, by her Deed or Will appoint, and for want thereof, to the Use of her own right Heirs.

And

And whereas the said *Mary Smith*, by her last Will, bearing Date The said
 the Eighteenth Day of *July*, in the Year of our Lord, One Thousand ^{*Mary Smith*}, Seven Hundred and Fifty-nine, devised and appointed the ^{by Will in} ^{1759, gave} Premisses to her Three Daughters *Margaret, Mary, and Elizabeth* ^{the Premises} ^{to her Three} ^{Daughters,} (her only Children, and Heirs at Law) and to their Heirs ^{Margaret,} ^{Mary,} ^{Elizabeth.} as Tenants in common, and not as joint Tenants.

And whereas the said *George Smith* being so seized of the said ^{*George Smith*} Piece or Parcel of Land fronting *John-street* aforesaid, and also ^{by Will in} of the said Mesuages and Premisses in *Chapel-street*, did by his last ^{1747, gave} Will and Testament in Writing duly executed, and bearing Date ^{the Estate in} ^{*Chapel-street,*} the Twenty-third Day of *December*, in the Year of our Lord, One ^{to his Nephew} Thousand Seven Hundred and Forty-seven, devise all his Dwelling-Houses in *Chapel-street* unto his Nephew *George Smith*, and ^{*George Smith,*} ^{and other} his Heirs, and all the rest of his real and Leasehold Estates what- ^{Estates equal-} ^{ly amongt} ^{his Brothers} ^{and Sisters} ^{Children.} soever, except his real Estate in *West-Derby*, which was thereby devised to his Nephew *John Higginson*, and his Heirs, he gave and devised unto and equally among the Children of his Brother and Sister, their Heirs, Executors, Administrators, and Assigns.

And whereas the said *George Smith*, the Testator, died soon after At the Death making the said Will, and there were living at the Time of his ^{of *George Smith* the} Death, Four Children of his Brother, to wit, the said *George Smith* ^{Testator,} the Son, and the aforesaid *Margaret, Mary, and Elizabeth*, the ^{there were} ^{living the} Daughters of his said Brother; as also Three Children of his the ^{said *George Smith* the Ne-} ^{phew, and} ^{his Three} ^{Sisters, and} ^{Three Chil-} ^{dren of the} ^{Testator's} ^{Sister.} said Testator's Sister, intitled to the residue of his real Estate, of which the Parcel of Land in *John-street* was Part.

And whereas the said *George Smith*, the Nephew of the said Testator, did by virtue of his said Uncle's Will, become seized of the said Houses in *Chapel-street*, as also of a Seventh Part of the said ^{*George Smith* the Nephew,} Parcel of Land in *John-street*, and by his last Will and Testa- ^{by Will in} ^{1755, gave} ment in Writing, bearing Date the Eleventh Day of *November*, in the Year of our Lord One Thousand Seven Hundred and ^{all his Estate} ^{to his Mo-} ^{Fifty-five, and made on board His Majesty's Ship *Winchelsea*,} ^{ther, and in} ^{case of her} ^{Death, to his} ^{Three Sisters.} did give, devise, and bequeath all his Lands, Tenements, Goods, Chattels, and Estate whatsoever, as should be any ways due, owing, or belonging unto him at the Time of his Decease, after paying his just and lawful Debts and Funeral Charges, if any were, unto his Mother *Mary Smith*, of the Town of *Liverpool*, in the County of *Lancaster*, and in case of her Decease, unto his Three Sisters, the said *Margaret, Mary, and Elizabeth Smith.*

The said Mother was a Papist.

And whereas the said *Mary*, the Mother of the said last named *George Smith* was, and was reputed and known to be a Papist, and as such was incapable of taking her Son's real Estate by the Devise in his Will.

She died, and the Daughters became intitled to the Premisses in Chapel-street, and Quay-street, and to their Shares of the Land in John-street.

Margaret. marries, and levies a Fine.

And whereas the said *Mary* the Mother died without making or attempting any Disposition thereof, or having made any Claim thereto, leaving her said Three Daughters, the said *George Smith*, the Nephew's Three Sisters, her Heirs at Law, who became well intitled to the said Premisses in *Chapel-street*, and *New Quay-street*, as also to their Shares of the said Parcel of Land in *John-street*, as aforesaid.

And whereas the said *Margaret*, the eldest Sister of the last named *George Smith*, married one *Thomas Brown*, and they levied a Fine of the said *Margaret's* Third Part of the said Houses in *Chapel-street*, late belonging to her said Brother, and likewise of a Seventh Part which the said *Margaret* was intitled to as her Share of the Residue of her late Uncle's real Estate under his Will, as also a Third of another Seventh Part of the said Parcel of Land, which her said Brother was intitled to under their said late Uncle's Will.

Mary marries, and dies under Age, leaving the Infant. Her Husband is since dead.

And whereas the said *Mary*, the Second Sister, married *William Wright*, and died under Age in the life Time of her Husband, who is since likewise deceased, leaving by her said Husband a Daughter *Mary*, now an Infant.

Elizabeth marries, and levies a Fine of her Share and of her Second Sister Mary's Share.

Apprehending herself intitled thereto; But being advised of the Contrary.

And whereas the said *Elizabeth*, the youngest Sister, married one *John Goore*, and having first levied a Fine of the said *Elizabeth Goore's* Third Part of her Brother's Houses in *Chapel-street* aforesaid, and of her Share of his Seventh Part of the Land in *John-street* aforesaid, they the said *John Goore* and *Elizabeth* did afterwards levy a Fine to one *Elizabeth Smarley*, of the said *Mary Wright*, the Second Sister's Third Part of the said several Premisses, to which they then apprehended themselves intitled, as the said *Elizabeth's* Share of the Residue of her late Uncle's Estate, upon a Supposition that the said *Elizabeth* was surviving joint Tenant thereof, under her Brother's Will, but being afterwards well advised that the Devise in the said *George Smith*, the Nephew's Will to his Mother, was, by Reason of her being a Papist, void, and that his Three Sisters took the same by Descent as Copartners, and being well satisfied that the said *Mary* the Infant, was well intitled to her Mother's Share and Interest in the Premisses aforesaid, they for these and other Considerations did, by Indenture

ture, bearing Date the First Day of *January*, One Thousand Seven By Deed in Hundred and Sixty-eight, and made between the said *John Goore*^{1768.} and *Elizabeth* his Wife, of the First Part, the said *Elizabeth Smarley* of the Second Part, and *John Brownell*, of *Liverpool* aforesaid, Gentleman, of the Third Part, declare that the last-mentioned Fine, levied by the said *John Goore* and *Elizabeth* his Wife, to the said *Elizabeth Smarley*, should, as to the undivided Third Part of the said Messuages in *Chapel-street* aforesaid, and also as to the Third Part of the undivided Seventh Part of the said Parcel of Land in *John-street* aforesaid, late belonging to the said *Mary Wright* the Mother deceased, be and enure to the said *John Brownell*, his Heirs and Affigns upon Trust to be so seized thereof, to the Use of the said *Mary Wright* the Infant, and her Heirs (on the Part of her Mother the said *Mary Wright* deceased) and Affigns for ever.

Declares the
 Fine as to the
 late *Mary's*,
 the Sisters
 Parts to be
 to the Use of
 the Infant.

And whereas the said *Mary* the Infant is, by the means aforesaid, become well intitled to One undivided Third Part of several Messuages or Dwelling-houses and Tenements with the Appurtenances, situated in a certain Street called *Chapel-street*, in *Liverpool* aforesaid, in the said County of *Lancaster*, and also of another undivided Third Part of Two other Messuages or Dwelling-houses, and Tenements, Situate in another Street in *Liverpool* aforesaid, called the *New Quay*, and likewise of an undivided Seventh Part, and of a Third Part of another undivided Seventh Part of a certain Parcel of Land fronting another Street in *Liverpool* aforesaid, called *John-street*.

And whereas the said Messuages and Tenements, being very old and ruinous, and subject to great Repairs, and the said Lands yielding but small Income, it would be very beneficial to the said Infant, that her Shares therein, as well as in the said Parcel of Land should be sold, yet by reason of her Infancy the same cannot be sold, nor a good Conveyance thereof be made to a Purchaser, without the Aid of Parliament.

Wherefore your Majesty's most Dutiful and Loyal Subject *John Wright*, the Guardian and Grandfather of the said *Mary Wright* the Infant, for and on Behalf of his Grand-daughter, the said *Mary Wright*, humbly beseecheth your most Excellent Majesty, That it may be Enacted, And be it Enacted, by the KING's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the Authority of the same, that the said undivided Third Part of and in the said several Messuages or Dwelling-houses and Tenements, with the Appurtenances

Premises
 vested in
 Trustees,

tenances situate in *Chapel-street*, in *Liverpool* aforesaid, and also the said undivided Third Part of and in the said Two other Messuages or Dwelling-houses and Tenements, situate in the Street called the *New Quay*, in *Liverpool* aforesaid, and also the said undivided Seventh Part and the said Third Part of another undivided Seventh Part of the said Parcel of Land fronting *John-street*, in *Liverpool* aforesaid, and the Reversion and Reversions, Remainder and Remainders, Rents, Issues, and Profits of the said several undivided Parts or Shares of her the said *Mary Wright*, the Infant, of and in the said Premisses, and all the Estate, Right, Title, and Interest, Property, Claim, and Demand whatsoever, of her the said *Mary Wright*, of, in and to the said Premisses, shall from and after the passing of this Act be severally settled upon and vested in, and the same are hereby from thenceforth severally settled upon and vested in *Robert Richmond*, of *Liverpool*, and *Henry Leigh*, of the Six Clerk's Office in *London*, Gentlemen, and their Heirs, to the Use of them and their Heirs, upon the Trusts nevertheless, and to and for the Ends, Purposes, and Intents herein after-mentioned, expressed and declared, (that is to say) upon Trust that the said *Robert Richmond* and *Henry Leigh*, and the Survivor of them, and the Heirs of such Survivor, do and shall with all convenient speed, sell and dispose of the said undivided Parts and Shares of and in the said Messuages, Tenements, Lands, Hereditaments, and Premisses hereby vested in them, to any Person or Persons that shall be willing to become Purchaser or Purchasers thereof, for the most Money, and for the best Price and Prices that can reasonably be got for the same, and do and shall lay out, apply, and dispose of the Money to be raised by such Sale (after paying and defraying thereout the Charges and Expences of passing this Act) in the Purchase of Messuages, Farms, Lands and Hereditaments, in that Part of *Great-Britain* called *England*, in Fee Simple, and do and shall settle, convey, and assure the Lands and Tenements to be purchased to and for the Use of the said *Mary Wright*, the Infant, and her Heirs, (on the Part of her Mother, the said *Mary Wright* deceased) and her Assigns for ever.

In mean time
the Money to
be paid into
the Bank.

And it is hereby further Enacted and Declared, That in the mean time from and after the Sale and Conveyance of the Premisses hereby vested to be sold as aforesaid, or any Part thereof, and until the Money arising by such Sale shall be laid out in the Purchase of Lands, Tenements, and Hereditaments, pursuant to and for the Purposes of this Act, the same Money shall be paid into the Bank of *England*, in the Name and with the Privity of the Accountant-General of the Court of Chancery, to be placed to the

Account

Application
of the Money.

Account there, *ex parte*, the Purchaser or Purchasers pursuant to the Method prescribed by the Statute of the Twelfth Year of King George the First, Chapter the Thirty-second, and the General Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of his late Majesty King George the Second, Chapter the Twenty-fourth, and shall and may on a Petition to be preferred to the Court of Chancery, in a summary Way, by or on the Behalf of the Person who would for the time being, be intitled to the Rents and Profits of the Lands, Tenements, and Hereditaments, hereby directed to be purchased, in case the same were purchased, and settled pursuant to this Act, be ordered to be paid out of the Bank, for the compleating of such Purchase or Purchases, in such manner as the said Court shall think just, and in that Case direct.

And be it further Enacted by the Authority aforesaid, That Accountant-General to place out the Money at Interest. in the mean time, and until such Purchase or Purchases can be had and compleated, the said Accountant-General shall place out the Money to be produced by such Sale or Sales at Interest in Three *per Cent.* Annuities, and pay the Dividends arising therefrom from time to time, unto such Person and Persons as would have been intitled to the Rents and Profits of the Estate hereby directed to be purchased, in case the same were purchased and settled pursuant to this Act.

And it is hereby further Enacted and Declared, That in the mean time, and until such Sale or Sales shall be made in pursuance of this Act, they the said *Robert Richmond*, and *Henry Leigh*, and the Survivor of them, and the Heirs of such Survivor, shall permit and suffer the said undivided Parts or Shares of or belonging to the said *Mary Wright* the Infant, and hereby vested in the said Trustees, of and in the said Premisses, to be held and enjoyed, and the Rents, Issues, and Profits thereof, to be had, received, taken, and applied, by and for the Benefit of the said *Mary Wright*, the Infant, and such other Person or Persons as would be intitled to and ought to hold, enjoy, and receive the same, in case this Act had not been made.

Provided always, and it is hereby Enacted, That the Certificate or Certificates, to be given by the said Accomptant General, together with the Receipt or Receipts of the Cashier of the Bank to be thereto annexed, and therewith filed in the Register Office of the said Court of Chancery, of the Payment into the Bank of England, by such Purchaser or Purchasers of his

his or their respective Purchase Money, shall from Time to Time, and all Times hereafter, be a good and effectual Discharge or Discharges to the said Purchaser or Purchasers of the Premisses, or any Part thereof, and to his and their Heirs, Executors, Administrators and Assigns, for so much of the said Purchase-Money, for which such Certificate or Certificates shall be made or granted, and that after the filing of such Certificate or Certificates, and Receipt or Receipts of the Cashier of the Bank as aforesaid, such Purchaser or Purchasers shall be and is and are hereby absolutely acquitted and discharged of and from the same, and he, they, or any of them, shall not be answerable or accountable for any Loss, Misapplication, or Non-Application of such respective Purchase-Monies, or any Part thereof.

**General
Saving.**

Saving always to the King's most Excellent Majesty, his Heirs and Successors, and all and every other Person and Persons, bodies Politick and Corporate, his, her, and their Heirs, Executors, and Administrators, other than and except the said *Mary Wright*, the Infant, her Heirs and Assigns, all such Estate, Right, Title, Interest, Property, Claim, and Demand whatsoever, of and in the said undivided Parts or Shares of the said Premisses hereby vested in, and settled upon the said Trustees, upon the Trusts as aforesaid, and every or any Part thereof, as they, every, or any of them had before the passing of this Act, or could or might have had and enjoyed in case this Act had not been made.

abs
Bands to gauge size & test bed made to make to
spec, suitable to make to
to cool & measure for
bsr

A N

A C T

F O R

*Setting certain undivided Shares belonging
to Mary Wright, an Infant, of and
in several Messuages, Tenements, and
Lands, in the County of Lancaster, in
Trustees, to be sold, and for laying out
the Money arising from the Sale thereof
in the Purchase of other Lands, to be
settled to the Use of the said Infant,
and her Heirs, on the Part of her
Mother, and for other Purposes therein
mentioned.*

[1768.]

